



# CVCWA

## Central Valley Clean Water Association

*Representing Over Sixty Wastewater Agencies*

STEVE HOGG – CHAIR, FRESNO  
JEFF WILLETT – SECRETARY, STOCKTON

ED CROUSE – VICE CHAIR, RANCHO MURIETA CSD  
HUMBERTO MOLINA – TREASURER, MERCED

December 22, 2008

*Sent via U.S. Postal Mail and email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)*

Tam Doduc, Chair, and Board Members  
State Water Resource Control Board  
1001 I Street  
Sacramento, CA 95814

**SUBJECT: CVCWA Comments on Draft Recycled Water Policy dated November 4, 2008**

Dear Chair Doduc and Members of the State Water Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the State Water Resources Control Board's (State Water Board) Draft Recycled Water Policy dated November 4, 2008 and accompanying Draft Staff Report dated November 19, 2008. CVCWA represents the interests of more than 60 wastewater agencies in the Central Valley in regulatory matters related to water quality and the environment. CVCWA's member agencies are directly and indirectly impacted by the proposed Recycled Water Policy (proposed Policy).

CVCWA supports the increased use of recycled water as a critical to California's water supply future. We believe the policy should facilitate the beneficial use of recycled water for irrigation and groundwater recharge, among other uses. In doing so, the final Policy must not create disincentives for recycled water use, and must be fair to both small and large recycled water purveyors and users.

We are aware that the Association of California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA) and the WaterReuse Association (the Associations) have submitted comments on the proposed Policy, and we generally endorse the language changes the Associations have recommended except as discussed below.

The proposed Policy is a significant improvement over the previous drafts. The proposed Policy tracks the September 2, 2008 draft prepared by a group of water industry and nongovernmental organization stakeholders. We believe this policy has greatly benefitted by allowing stakeholders to take a major role in the policy development, and urge the State Water Board to use stakeholder processes for future policy and permitting processes. However, we urge the State Water Board to consider additional revisions to the proposed Policy in order to provide greater

clarity, increase the practicality of implementation, and conserve the limited resources of water recyclers, their customers, and the Water Boards.

### **Existing Master Reclamation Permits**

CVCWA believes that language should be added in Section 2 (Purpose of the Policy), to clarify that existing Master Reclamation Permit (MRP) holders would be allowed to continue coverage under their current permits. Current MRP holders should be able to either "Opt In" or "Opt Out" of the streamlined permitting process. The streamlined permit should not create a situation of double coverage or contradiction between permits.

To make this clarification, CVCWA concurs with the language proposed by the City of Roseville to Section 2.g, which would clarify how existing MRP holders would be treated under the new Policy:

*Existing recycled water producers, distributors, or users operating under an existing Master Reclamation Permit can continue coverage under that permit. Holders of existing Master Reclamation Permits may Opt In or Opt Out of the new streamlined permit as set in this Policy.*

### **Incidental Runoff**

CVCWA supports the Associations' proposed change to Section 7.a, which allows water recyclers to develop and implement operations and management plans to control incidental runoff, including storage pond management. The Policy should state that runoff of incidental amounts of highly treated recycled water do not pose a threat to water quality. CVCWA is supportive of the statement that multiple permit mechanisms, including waste discharge requirements and municipal separate stormwater (MS4) permits, may be an appropriate to address the minor amounts of recycled water runoff that occurs with normal irrigation operations.

CVCWA is very concerned with the State Water Board's proposed language pertaining to storage pond overflows. As currently written, Section 7.a(4) does not differentiate between the discharge of recycled water from the ponds versus the discharge of other water sources, including stormwater. Many recycled water purveyors have implemented operations strategies in which recycled water is removed from irrigation storage ponds or significantly diluted prior to the onset of the rainy season. Foremost we recommend that the prescriptive requirements in the policy be removed and replaced with a requirement for operations and management plans, as stated above. However, if this type of provision is kept in the Policy, the language should be modified to make clear that this provision applies only to ponds in which recycled water is primarily stored at the time of the storm event.

Another problematic provision of the proposed Policy is that it requires meeting both a rainfall related storage criterion for recycled water for prior to the discharge of recycled water from the ponds, and approval of the Executive Officer in advance of the discharge. It is not clear what additional factors beyond the storm frequency would be taken into account by the Executive Officer in deciding whether to approve the discharge; it is also unclear what the consequences of the Executive Officer withholding that approval would be, as the condition appears in a Policy rather than a permit. We recommend deleting the approval step and replacing it with reference to notification when discharges from recycled water ponds occur that are outside the

requirements of the operations and management plans or applicable permit requirements. With regard to including any minimum sizing or design criteria in the proposed policy, CVCWA requests that the State Water Board evaluate what impact that provision would have on existing recycled water storage facilities and what steps, if any, would be needed to comply with these proposed terms prior to adopting these types of restrictions in a statewide policy.

#### Monitoring Requirements for Constituents of Emerging Concern

Sections 7.b(4) and Section 8.b(2) of the Draft Policy currently contains similar minimum monitoring requirement that:

Landscape irrigation projects shall include, in addition to any other appropriate effluent monitoring requirements, effluent monitoring for CECs on an annual basis and priority pollutants on a twice annual basis. (Section 7.b(4))

Groundwater recharge projects shall include effluent monitoring for CECs on an annual basis and priority pollutants on a twice annual basis in recycled water. (Section 8.b(2))

This level of monitoring is extremely problematic for small utilities that recycle or desire to recycled water or pursue groundwater recharge due to the high cost of laboratory monitoring required by the proposed policy. Priority pollutant laboratory monitoring normally costs between \$700 to \$1,200 per test, not including staff sampling and processing costs. It is unknown what CEC monitoring costs will be, although some preliminary estimates for basic indicators are in the range of \$5,000 or more per sample analysis. Using these figures, minimum recycled water cost will cost a water recycler a minimum of \$6,400 a year or higher. This cost is significant for small utilities. Currently many small surface water dischargers only have to monitor once a permit cycle or once a year (depending on size) for priority pollutants per SIP requirements, and are not currently required to monitor for CECs. Most water recyclers or land discharges that do not have surface water discharges are required to monitor for either CECs or priority pollutants. The minimum increase in monitoring cost of between \$5,700 and \$6,400 can easily exceed the monthly operating costs for very small facilities and have significant rate impacts or cost impacts to either the recycled water purveyor or user. This requirement creates a huge disincentive for small utilities and/or small recycled water projects.

CVCWA recommends that Section 7.b(4) requirements be removed from the policy, or at minimum, replaced with the following language:

*Permits issued for landscape irrigation projects (under the streamlined permitting) shall include, in addition to any other appropriate monitoring requirements for the treatment plant producing the recycled water, recycled water monitoring for CECs in accordance with recommendations from CDPH and the expert panel at an appropriate frequency no more than once on an annual basis and monitoring for priority pollutants no more frequent than twice on a annual basis.*

CVCWA recommends that Section 8.b(2) requirements be removed from the policy, or at minimum, replaced with the following language:

*Permits issued for groundwater recharge projects shall include monitoring in recycled water for CECs in accordance with recommendations from CDPH and the expert panel*

*and priority pollutants at an appropriate frequency not more frequent than a once annual basis.*

### **Salt and Nutrient Management Plans**

CVCWA is uncertain as to what requirements will be placed on nutrient management plans and is not sure if the salt and nutrient plans are one and the same, or are intended to be different. CVCWA is participating in the CV-SALTS effort, which will address at minimum the nutrient nitrite.

We are concerned about the ability of recycled water purveyors to regulate and oversee nutrient management through the application of fertilizers by landscape irrigation customers. Practical and legal limitations may make oversight and control of nutrient application almost impossible. Nutrient management should be handled by a best management practices approach.

### **Funding for Salt and Nutrient Management Plans**

CVCWA is concerned regarding funding expectations for salinity management plans contained in the draft policy and staff report. CVCWA has, and intends to remain, very active in the CV-SALTS effort, which will fulfill the requirement to develop salinity management plans as required by the proposed Policy. CVCWA has committed \$25,000 (which is a significant portion of our budget) towards funding of the CV-SALTS effort and have encouraged our members to actively participate in this process. However, CVCWA recognizes that we, as clean water agencies in the Central Valley, cannot and should not be expected to fund the CV-SALTS effort. To be successful, this effort must include the participation and funding from all stakeholders and contributions to this effort must be commensurate with salt contributions/impacts.

The draft Staff Report and proposed Policy imply a higher level of funding than what was committed to by the Associations, who have pledged to strongly encourage their members to commit funding and resources to salt/nutrient management planning efforts. The Staff Report at page 5 states:

*"The proposed Policy **requires** that water and wastewater agencies lead the development of the salt/nutrient management plans and in a letter **water and wastewater agencies have agreed to provide funding for the development.**" (emphasis added)*

And Section 6.b(1) states (emphasis added):

*The local water and wastewater entities, together with local salt/nutrient contributing stakeholders **have agreed to fund** (see letter dated attached to the Resolution adopting this Policy) locally driven and controlled, collaborative processes open to all stakeholders that will prepare salt and nutrient management plans for each basin / sub-basin in California, including compliance with CEQA including participation by Regional Water Board staff.*

CVCWA is concerned that Central Valley recycled water/wastewater agencies may be required to provide more than their fair share of the cost to prepare these plans and recommends that both the proposed policy and Staff report be changed to properly reflect the commitment made by the Associations.

Thank you for the opportunity to comment. CVCWA would like to participate in future stakeholder processes that impact our membership. We recommend that the State Water Board utilize stakeholders in developing the draft Recycled Water Permit, so that the draft Permit provides mechanisms to promote water recycling and does not create unfair or burdensome requirements on small facilities. Please feel free to contact me if you have any questions.

Sincerely,



Debbie Webster, Executive Officer  
Central Valley Clean Water Association

c: Pamela Creedon, CVRWQCB  
Bobbi Larson, CASA  
Craig Lichty, WaterReuse  
Mary Grace Pawson, WaterReuse  
Dave Bolland, ACWA  
Kathy Mannion, RCRC